

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Frank Friedland

Confirmation No.: 3596

Application No.: 10/618,075

Attorney Docket No: 732-A03-002

Filed: July 11, 2003

Group Art Unit: 3764

For: HEAD MASSAGER AND PACKAGE  
THEREFOR

Examiner: Quang D Thanh

DECLARATION UNDER 37 C.F.R. 1.131(a)

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Frank Friedland, the Applicant in the above-identified patent application, declare as follows:

1. That sometime prior to September 11, 2002, Applicant conceived and reduced to practice the Head Massager as disclosed and claimed in the above-identified patent application. Exhibit A includes a notarized statement from the Applicant indicating the date of invention, prior to September 11, 2002;

2. That the Head Massager conceived and reduced to practice prior to September 11, 2002 included a bundle of malleable rods having a top member within which the top end of the bundle of rods is fixed and the rods are free at the bottom end of the bundle. A handle includes a top half and a bottom half articulated together, the bottom half defining a lower recess receiving the top member fixed therein. A motor has an output shaft on which is eccentrically mounted a magnet mounted in the bottom half with the eccentrically mounted magnet lying in juxtaposition to but spaced from the top member. A battery receiving plate is mounted in the bottom half and an electrical circuit couples the battery receiving plate and motor. A switch is mounted in the bottom half and a manually operable switch actuator mounted in the top half for actuating the

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switch enables power to be supplied to the motor when batteries are mounted on the battery receiving plate;

3. That Applicant produced or had produced drawings of the Head Massager prior to September 11, 2002 as evidenced by Exhibit B attached hereto. Exhibit B includes drawings and sketches, produced prior to September 11, 2002 illustrating the Head Massager;

4. That during the inventive process and on a confidential basis Applicant disclosed the concept to Abel Unlimited Inc., for the intended purpose of determining the best price and terms for manufacture of the Head Massager. A copy of the confirmation of Applicant's disclosure to Abel Unlimited prior to September 11, 2002 and a copy of a declaration from Abel Unlimited, stating that the pictures of the Head Massager were received prior to September 11, 2002 for the purpose of determining the best price and terms for manufacture is attached as Exhibit C;

5. That an experimental prototype was produced by Shanghai Foresighter Electronics, Co., having a place of business at No. 2 Hongqiao Town Road, Shanghai, China, prior to September 11, 2002. A copy of the invoice is attached hereto as Exhibit D; and

6. That the Head Massager was disclosed on Applicant's web site prior to September 11, 2002, as illustrated in the printout attached hereto in Exhibit E.


The declarant further states that the above statements were made with the knowledge that willful false statements and the like are punishable by fine and/or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent resulting therefrom.

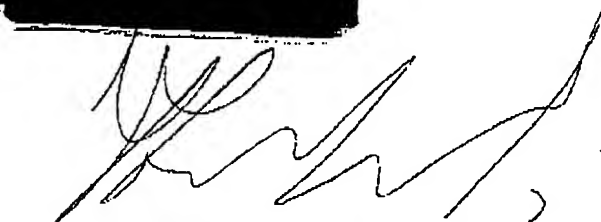
Date: April 17th 2006 -

  
Frank Friedland

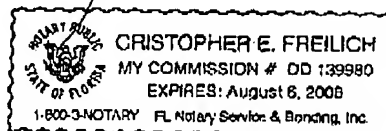
EXHIBITS A-E Attached

## Exhibit A

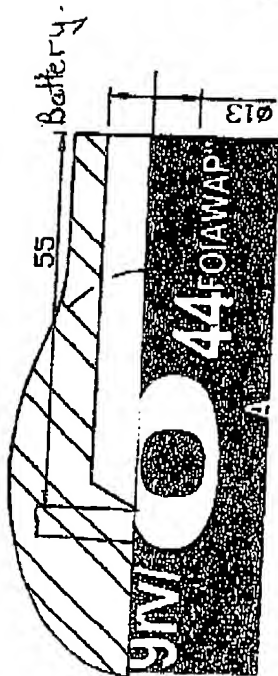
This letter serves to confirm that I, Frank  
Friedland invented the Battery Head  
Massager as per attached drawings in  




Signed Frank Friedland



## Exhibit B



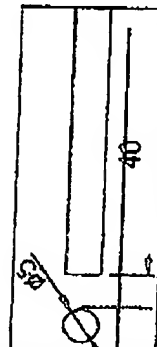
80

60

R0.2

18.07

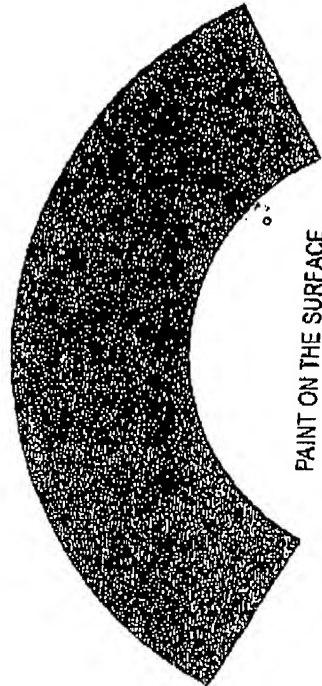
WOODEN PLUG 1PC



WOODEN PLUG 1PC



IRON THREAD 1PCS  
Ø0.8(EXTENSION)50mm  
TO FRICK WIRE



PAINT ON THE SURFACE  
PATTERN SAME AS SAMPLE F

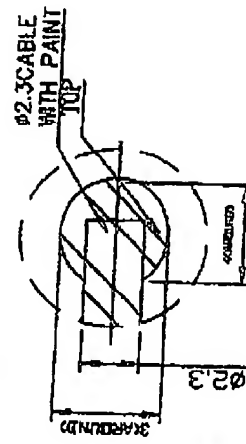
295 (AROUND)

0

LONG PAINTED WIRE: 4PCS  
1PC (DIMENSIONS AFTER PAINT):  
ON

1 0 (AROUND)

SHORT PAINTED WIRE 3PCS  
1PC (DIMENSIONS)



TOLERANCE - UNITS/m

DESIGN

PRODUCT N, FW

CHECKED

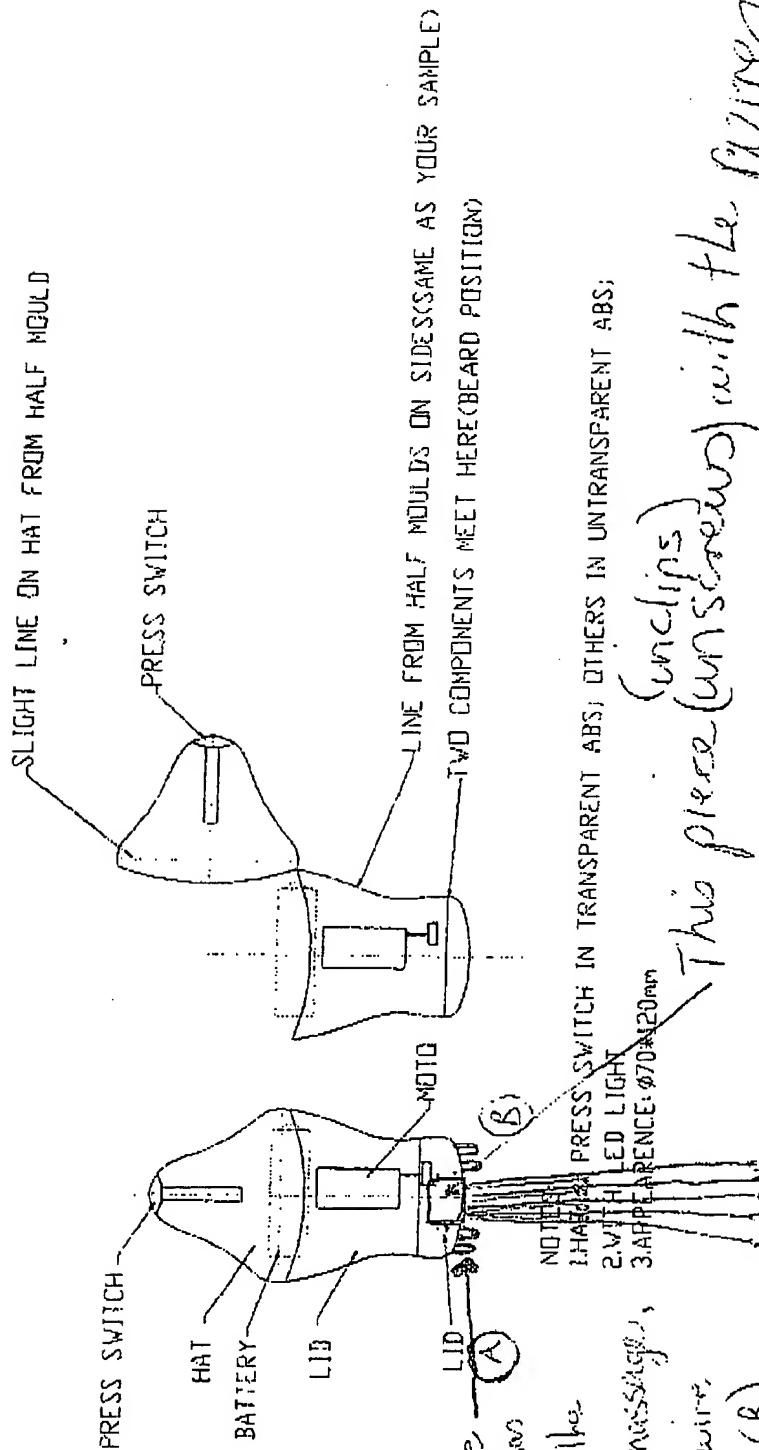
SCALE: 1

PART N

CLIENT NO.

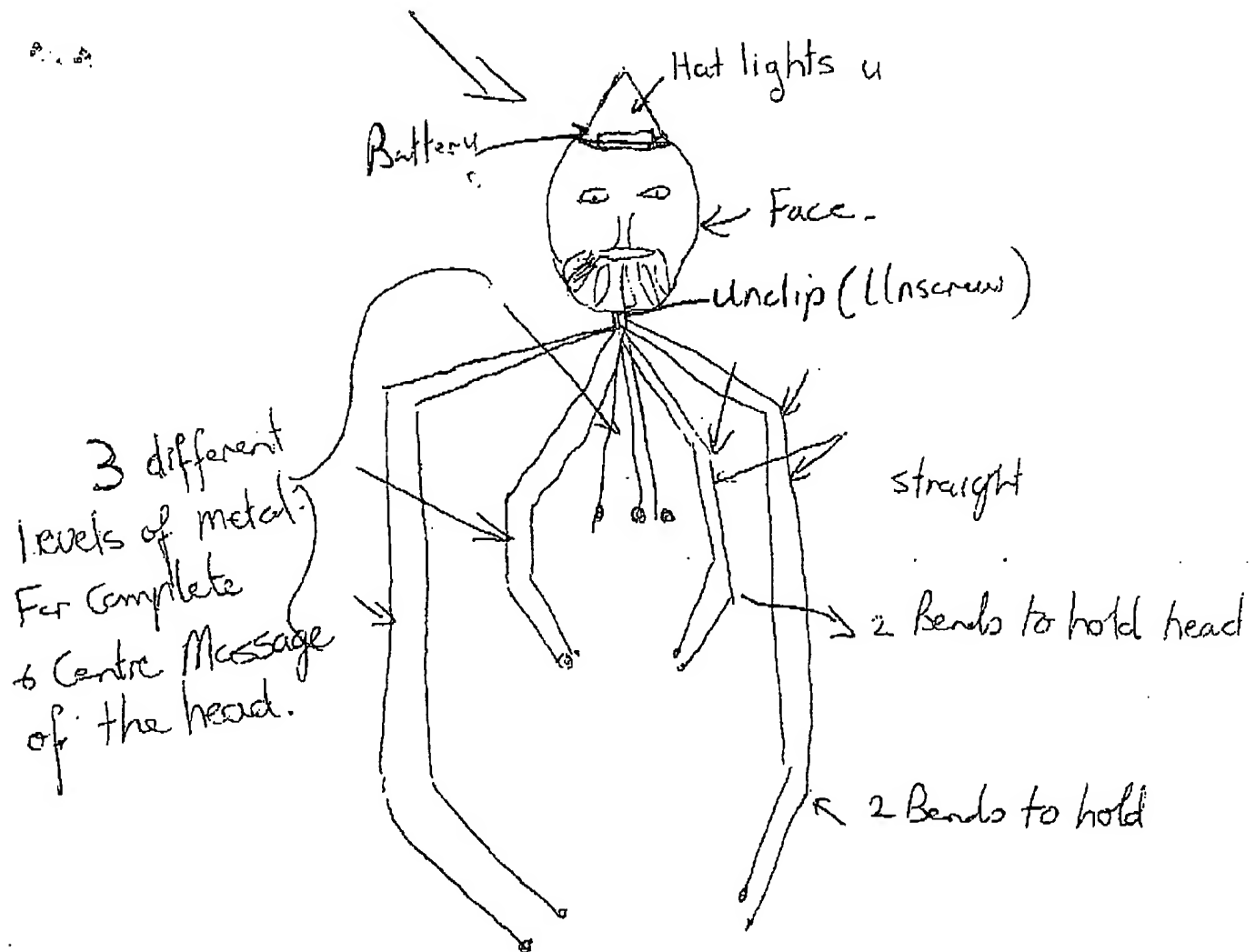
att Monty, / Kevin,

Here is the picture of the new head covered with (A) & (B)  
Thanks  
Frank

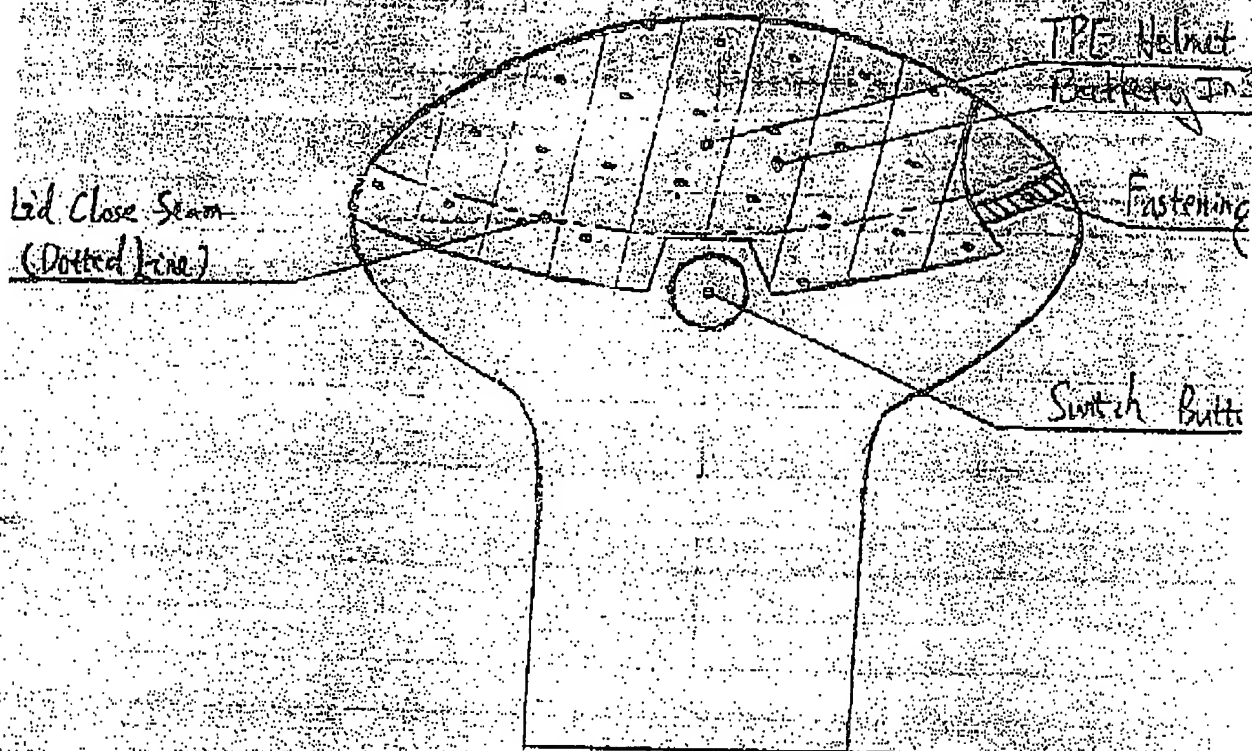


This piece (head) has notes on the end to message, see the wire, coupling (B) is unclipped

This piece (unclips) with the wires leaving the head to message (vibrating here)







## Exhibit C

-----Original Message-----

**From:** FRANK FRIEDLAND [mailto:heavenstherapy@hotmail.com] **Sent:**  
Monday, [REDACTED]  
**To:** Marvin@aiacorp.com  
**Subject:** Re: Battery Head Massager

Dear Marvin.

From the meeting yesterday please go ahead and get some quotes and detailed drawing to manufacture the Battery Head Massager, I am dealing with Shanghai Foresighters, but feel we should always get some competing quotes, I will call you later,

Regards,

Frank 772-201-3453

March 7, 2006

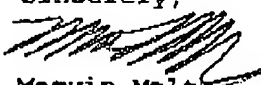
To Whom it May concern:

Abel Unlimited is an import/distribution company and has been conducting business for over 15 years in this field.

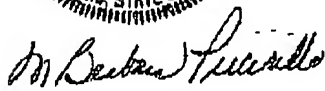
I received a Battery Head Massager picture on [REDACTED] from Mr. Frank Freidland. I received quotes and drawings from manufacturers in China in order to determine the best prices and terms to have been given.

If you need any other information, please contact me.

Sincerely,

  
Marvin Maltz  
President



  
3/7/06

1649 Forum Place, Suite 12, West Palm Beach, Florida 33401  
Toll Free: 800-354-9717 Tel: 561-688-1105 Fax: 561-688-1412  
E-Mail: marvin@siacorp.com

## Exhibit D

**SHANGHAI FORESIGHTERS ELECTRONICS CO., LTD.**

NO. 2 HONGOLAO TOWN ROAD, SHANGHAI, CHINA

TEL: (86) 21 64011150 FAX: (86) 21 64011117

**SALES****CONTRACT**

TO: HEAVENTHERAPY

19090 Two River Lane

Boca Raton Florida

USA

DATE: [REDACTED]

S/C NO: DP-0307572

P/O NO:

DELIVERY ADDRESS: HEAVENTHERAPY

19090 Two River Lane

Boca Raton Florida

USA

DEAR SIR,

WE CONFIRM HAVING SOLD THE FOLLOWING DESCRIBED BATTERY HEAD  
MASSAGER DESIGNED BY YOU, ON TERMS AND CONDITIONS SET BELOW:

PAYMENT BY: T/T 50% IN ADVANCE

50% ON SAMPLE APPROVAL

ETD. 3 WEEKS AFTER SAMPLE APPROVAL

SHIPPING METHOD: AIR

ACCOUNT NAME: SHANGHAI FORESIGHTERS ELECTRONIC CO., LTD.

BENEFICIARY'S BANK: ABN. AMRO BANK SHANGHAI BRANCH

BANK ADDRESS: NO 20 ZHONG SHAN ROAD EAST 1, SHANGHAI CHINA.

ACCOUNT NO: 1008285

ITEM/DES. AMOUNT	QTY	UNIT PRICE
H10-EHM(B)	1,000PCS	USD2.33
H10-EHM(P)	1,000PCS	USD2.33
BALANCE BETWEEN AIR&SEA FREIGHT		USD2,788.2
SHANGHAI		F.C.A.

TOTAL: USD7,448.2

TOTAL VALUE SAY U.S. DOLLARS SEVEN THOUSAND FOUR HUNDRED AND FORTY EIGHT  
AND TWENTY CENTS.ACCEPTED BY  
HEAVENTHERAPYCONFIRMED BY  
FORESIGHTERS

## Exhibit E

**HEAD WIZARD™**

**Battery Operated Vibrating Head Massager**

**Hat lights up!**

**HEAD MASSAGER**  
BATTERY OPERATED

HEAD MASSAGER  
TO RELIEVE TENSION  
AND HEADACHES  
WITH SELF-HEATING  
COPPER WIRE  
& BATTERY  
FREE BATTERY  
CHARGING

*Bend copper wires on the painted sections. Until the shape can fit round a melon.*

*Place on head and move in a circular motion. Enjoy.*

[www.heavenstherapy.com](http://www.heavenstherapy.com)